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EXAMINER	
PATEL, HARESH N	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/903,162	SHAFFER ET AL.	
	Examiner	Art Unit	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27,29,30,32-34,36,37,39-41,43 and 44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/23/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-45 are subject to examination.

Response to Arguments

2. Applicant's arguments filed 6/19/2006, pages 21-33, have been fully considered but they are not persuasive. Therefore, rejection of claims 1-27, 29, 30, 32-34, 36, 37, 39-41, 43, 44 is maintained.

Applicant argues (1), regarding double patenting rejection with U. S. Patent 6,961,323, Xu et al., (Hereinafter Xu), "Applicants respectfully point out that a double patenting rejection does not focus on what Xu teaches, but rather what Xu claims. Moreover, similarity is not the test to determine whether conflicting claims are patentably distinct, and the Office Action fails to compare each of the limitations of each of the rejected claims to the Xu claims".

The examiner respectfully disagrees in response to applicant's arguments. The examiner agrees with the applicant that the double patenting rejection is considering on what the claimed subject matter of Xu claims 1-30. The fact is that the claimed subject matter of the claims of Xu are also part of the Xu disclosure / teachings and it is the discloure / teachings of the Xu that support the claimed subject matter of the Xu claims (please see the Xu patent). Regarding, the applicant's statement, "similarity is not the test to determine whether conflicting claims are patentably distinct", the claimed subject matter of the claims of Xu are first compared with the claims of this application under prosecution in order to find out the differences between the claimed subjet matter of the

claims. Considering the differences, which a person of ordinary skilled in the art at the time of invention would conclude that the invention defined in the claims of the application under prosecution at issue would have been an obvious variation of the invention defined in the claims in the Xu patent (also based on available prior arts along with motivations / reasons). (please see the double patenting rejection section of this office action). Regarding applicant's concern that predicting communication paths would not have been obvious to a person of ordinary skilled in the art at the time of invention, the examiner provides evidences, please see, Johnson et al., 6,625,135 for the limitations as it also discloses usage of selecting a path of communication having a desired predicted quality of communication, col., 18, lines 1 – 26; LeCrone et al., 6,662,197, also discloses usage of estimating communication path requirements, abstract, usage of prediction of the communications path requirement, col., 1, line 44 – col., 2, line 4; Wen et al., 2003/0193893 also discloses well-known concept of predicting the communication path requirement, paragraph 8; Aras et al., 5,884,037, also discloses usage of a bandwidth predictor for the communication path requirement, col., 13, lines 5 - 24. Therefore, the rejection is maintained.

Applicant states (2), "Regarding rejection under 35 U. S. C. 101 for claims 33-39, Applicants note that the United States Court of Appeals for the Federal Circuit has recently held that software code alone qualifies, without question, as patentable subject matter under 35 U.S.C. 101. See Eolas Tech. Inc. v. Microsoft Corp., 399 F.3d 1325, 1339 (Fed. Cir. 2005). Accordingly, Applicants respectfully request that the section 101 rejections of Claims 33-39 be withdrawn".

For clarification, the "at least as processes" at the end of the applicant provided statement has been missing and/or conveniently left out. Since, the claims are amended by the applicant and the amended claims now represent logic encoded in computer readable media being tangible storage for the logic, hence, the 35 U. S. C. 101 rejections have been withdrawn.

Applicant argues (3), "Savage-Lipstream does not disclose, teach, or suggest predicting communication paths for a plurality of the participant" and "estimating a multipoint control unit resource requirement".

The examiner respectfully disagrees in response to applicant's arguments. Savage-Lipstream discloses, the relied upon limitations, i.e., predicting communication paths for a plurality of the participant, e.g., a particular conference for number of users/clients is setup based on usage of a dispatcher server that (does not know how many users/clients will be participating) guesses which media server among multiple media servers support the communication for the respective user of the conference. The guessing of which media servers is used for the conference also includes guessing of whether a channel is supported by the respective media server in order to further estimate the capacity of the path for communication. The dispatcher server also guesses number of clients that will be participating in the conference, wherein each client needs a respective communication path for the conference including usage of bandwidth units (e.g., paragraphs 54 and 19). Savage-Lipstream also discloses estimating a multipoint control unit resource requirement, e.g., regarding the particular conference the dispatcher server estimates the available capacity of a media server in a variety of ways including estimating the media

server's capacity of the number of CPU units and/or bandwidth units (e.g., paragraphs 54, 20, 75). Please note that the specification of this application under prosecution clearly mentions that the multipoint control unit resource requirement could be similar to the processor or bandwidth requirement col., 6, lines 1-5 and further states, at page 29, lines 24 – 29, "Although the present invention has been described in several embodiments, a myriad of changes and modifications may be suggested to one skilled in the art, and it is intended that the present invention encompass such changes and modifications as fall within the scope of the present appended claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Note: The claims 1, 4, 7-9, 11, 13, 17, 18, 20, 26, 27, 29, 30, 33, 34, 36, 40, 41, 43, 44, etc. all contain usage of "if" (conditional statement), hence, considering the applicant claimed invention and the arguments, dated 6/19/2006, with the usage of "if" (conditional statement), the broad interpretation of the claims also includes interpretation of either the "if" condition is satisfied or the "if" condition is not satisfied; and not necessarily both. The fact is that the usage of "if" (conditional statement) regarding the limitations is not same as usage of "when" in the claims.

Applicant argues (4), regarding claims 2 and 6, "nothing disclose, teach, or suggest estimating a digital signal processor resource requirement".

The examiner respectfully disagrees in response to applicant's arguments. The limitations. The limitations of claims 2 and 6 are rejected with combine teachings of

Savage-Lipstream, Rottoo-General-DataComm and Shaffer-Siemens. Savage-Lipstream discloses that regarding a particular conference the dispatcher server estimates the available capacity of a media server in a variety of ways including estimating the media server's capacity of the number of CPU units and/or bandwidth units (e.g., paragraphs 54, 20, 75). Shaffer-Siemens discloses that a resource availability monitor determining digital signal processor resource requirements (e.g., abstract, figure 3). Therefore, the rejection is maintained.

Applicant argues (5), "Regarding claims 5, 15, 22-25, 32 and 39 the applicant argues that providing usage of gateway port, usage of pool of bandwidth, are not well-known in the art.

The examiner respectfully disagrees in response to applicant's arguments. For example, Reza et al., 7,082,116, discloses usage of the gateway, the gateway port and pool of bandwidth, e.g., col., 11, line 59 – col., 12, line 63; Golden et al., 6,563,793, also discloses these limitations, e.g., col., 4, lines 13 – 63; Rawlins et al., 2002/0191539, also discloses these limitations, e.g., paragraph 72; Cable, 2002/0199012, discloses these limitations, paragraph 43; Yamato et al., 6,094,431 also discloses these limitations, e.g., col., 6, lines 15 – 37; Ise et al., 6,336,129, discloses these limitations, col., 3, lines 39 – 61, Elwalid et al., 6,353,616, also discloses these limitations, col., 1, lines 24 – 67, Cable, 6,854,013, also discloses these limitations, col., 7, lines 1-19. Therefore, the rejection is maintained.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Applicant's submission of terminal disclaimer, dated 6/23/2006, to overcome nonstatutory double patenting of copending Application No. 09/902946 has been acknowledged.

Claims 1-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of Xu et al, U.S. Patent No. 6,941,323. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent teaches all the limitations as disclosed such that the interpretation of operating a contention-based multiple access communication system comprising usage of a shared communication resource for reservation at a future appointed time and reserving at least a portion of shared communication resource at a call duration is similar to reserving conference resources for a multipoint conference at approximately a scheduled start time and for a duration of the multipoint conference. The claimed subject matter of claims 1-30 of Xu et al, U.S. Patent No. 6,941,323 does not specifically mention about usage of second unit to host the conference. However, it is

well known in the art at the time of the invention; for example, Rottoo, 5,933,417 discloses well-known a concept of using second unit to host the conference, e.g., col., 3, line 48 – col., 4, line 30. With Rottoo's teachings it would be obvious to one of ordinary skill in the art to include the concept of using the second unit to host the conference with the claimed subject matter of claims 1-30 of Xu et al, U.S. Patent No. 6,941,323 in order to support reserving conference resources (please see the cited portion of the reference for the teachings along with the motivation for utilizing the teachings).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations, "the multipoint conference". There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d). Since, multiple "multipoint conference" (resources for a multipoint conference, at line 1, request for a multipoint conference, at line 3) exists in the claim, it is not clear which "multipoint conference" is referred by the limitations in the claim. (Note: this rejection has been maintained from previous office action).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage, III et al., US 2001/0009014, Lipstream (Hereinafter Savage-Lipstream) in view of Rottoo, 5,933,417, General DataComm Inc., (Hereafter Rottoo-General-DataComm).

6. As per claim 1, Savage-Lipstream discloses a method for reserving conference resources for a multipoint conference (e.g., paragraph 11), comprising:

receiving a request for a multipoint conference reservation (e.g., paragraph 12);

receiving a list of participants (e.g. paragraph 18);

predicting communication paths for a plurality of the participants (e.g., paragraphs 19, 54);

estimating a multipoint control unit resource requirement (e.g., paragraphs 20, 54, 75);

selecting a first multipoint control unit to host the multipoint conference (e.g., paragraph 40);

determining availability of the multipoint control unit resource requirement (e.g., paragraph (e.g., paragraph 45); and

selecting a second multipoint control unit to host the multipoint conference (e.g., paragraphs 74-76) if the first multipoint control unit does not have the multipoint control unit resource requirement available (e.g., paragraph 46, 75).

However, Savage-Lipstream do not specifically mention about the determining done at approximately a scheduled start time and for a duration of the multipoint conference.

Rottoo-General-DataComm discloses the well-known concept of determining done at approximately a scheduled start time and for a duration of the multipoint conference (e.g., col., 3, line 48 – col., 4, line 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Savage-Lipstream with the teachings of Rottoo-General-DataComm in order to facilitate usage of determining done at approximately a scheduled start time and for a duration of the multipoint conference because the determination would provide information on whether the necessary resource for conference is available or not. The scheduled start time and the duration of the multipoint conference would be used to know when and how long resource would be required to support the multipoint conference.

7. As per claim 3, Savage-Lipstream and Rottoo-General-DataComm disclose the claimed limitations as rejected above. Savage-Lipstream also discloses usage of communication port requirement (paragraph 40).

8. As per claim 4, Savage-Lipstream and Rottoo-General-DataComm disclose the claimed limitations as rejected above. Savage-Lipstream also discloses reserving the multipoint control unit resource requirement of the first multipoint control unit for the

multipoint conference, if the multipoint control unit resource requirement is available (e.g., paragraph 54).

9. As per claim 7, Savage-Lipstream and Rottoo-General-DataComm disclose the claimed limitations as rejected above. However, Savage-Lipstream does not specifically mention about requesting an alternative estimated start time.

Rottoo-General-DataComm discloses the well-known concept of requesting an alternative estimated start time (e.g., col., 3, line 48 – col., 4, line 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Savage-Lipstream with the teachings of Rottoo-General-DataComm in order to facilitate requesting an alternative estimated start time because the alternative estimated start time would enhance providing information on when the conference would be available. The alternative time would help know when the necessary resource for conference is needed.

10. Claims 2, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream and Rottoo-General-DataComm in view of Shaffer et al., 6,411,601, Siemens (Hereinafter Shaffer-Siemens).

11. As per claims 2 and 6, Savage-Lipstream and Rottoo-General-DataComm disclose the claimed limitations as rejected above. However, Savage-Lipstream and Rottoo-General-DataComm do not specifically mention about digital signal processor and digital signal processor farm.

Shaffer-Siemens discloses the well-known concept of using digital signal processor and digital signal processor farm (e.g., figure 3, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Savage-Lipstream and Rottoo-General-DataComm with the teachings of Shaffer-Siemens in order to facilitate usage of digital signal processor and digital signal processor farm because the digital signal processor would provide support for processing information for the conference. The digital signal processor farm would enhance providing multiple signal processors as necessary.

12. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream and Rottoo-General-DataComm in view of "Official Notice".

13. As per claim 5, Savage-Lipstream and Rottoo-General-DataComm disclose the claimed limitations as rejected above. However, Savage-Lipstream and Rottoo-General-DataComm do not specifically mention about gateway port. "Official Notice" is taken that both the concept and advantages of providing usage of gateway port is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include gateway port with the teachings of Savage-Lipstream and Rottoo-General-DataComm in order to facilitate usage of gateway port because the gateway port would provide support for communicating two devices through the gateway. The gateway port would process information flowing through the port.

14. Claims 8-11, 13, 14, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream and Rottoo-General-DataComm in view of Kujoory et al., 6,021,263, Lucent Technologies (Hereinafter Kujoory-Lucent).

15. As per claim 8, Savage-Lipstream and Rottoo-General-DataComm disclose the claimed limitations as rejected above. Savage-Lipstream also discloses usage and handling of third multipoint control unit (e.g., paragraph 40). However, Savage-Lipstream and Rottoo-General-DataComm do not specifically mention about usage of selecting a first communication path of a plurality of the communications paths.

Kujoory-Lucent discloses the well-known concept of selecting a first communication path of a plurality of the communications paths (e.g., figures 4A-4D, col., 7, lines 14 - 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Savage-Lipstream and Rottoo-General-DataComm with the teachings of Kujoory-Lucent in order to facilitate usage of selecting a first communication path of a plurality of the communications paths because the first communication path would provide support for communicating information between devices for the conference. The plurality of the communications paths would enhance providing multiple communication paths as necessary.

16. As per claims 9-11, 13, Savage-Lipstream and Rottoo-General-DataComm disclose the claimed limitations as rejected above. Savage-Lipstream also discloses usage and handling of fourth multipoint control unit (e.g., paragraph 40) and fifth multipoint control unit (e.g., paragraph 40). However, Savage-Lipstream and Rottoo-

General-DataComm do not specifically mention about usage of selecting a second communication path of a plurality of the communications paths.

Kujoory-Lucent discloses the well-known concept of selecting a second communication path of a plurality of the communications paths (e.g., figures 4A-4D, col., 7, lines 14 - 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Savage-Lipstream and Rottoo-General-DataComm with the teachings of Kujoory-Lucent in order to facilitate usage of selecting a second communication path of a plurality of the communications paths because the second communication path would provide support for communicating information between devices for the conference. The plurality of the communications paths would enhance providing multiple communication paths as necessary.

17. As per claims 14, 17-20, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent disclose the claimed limitations as rejected above. Savage-Lipstream also discloses usage of bandwidth (e.g., paragraph 54).

18. Claims 16, 26, 27, 29, 30, 33, 34, 36, 37, 40, 41, 43, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent in view of Shaffer et al., 6,411,601, Siemens (Hereinafter Shaffer-Siemens).

19. As per claims 16, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent disclose the claimed limitations as rejected above. However, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent do not specifically mention about digital signal processor and digital signal processor farm.

Shaffer-Siemens discloses the well-known concept of using digital signal processor and digital signal processor farm (e.g., figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent with the teachings of Shaffer-Siemens in order to facilitate usage of digital signal processor and digital signal processor farm because the digital signal processor would provide support for processing information for the conference. The digital signal processor farm would enhance providing multiple signal processors as necessary.

20. As per claims 26, 27, 29, 30, 33, 34, 36, 37, 40, 41, 43, 44, Savage-Lipstream, Rottoo-General-DataComm, Kujoory-Lucent and Shaffer-Siemens disclose the claimed limitations as rejected above. Savage-Lipstream also discloses usage of an apparatus for reserving conference resources for a multipoint conference (e.g., figures 1, 15, 16, paragraphs 11-24) usage of a server (e.g., figures 1, 15, 16, paragraphs 11-24) usage of a memory (e.g., figures 1, 15, 16, paragraphs 11-24), logic encoded in computer readable media for reserving a network resource for a multipoint conference (e.g., figures 1, 15, 16, paragraphs 11-24).

21. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent in view of "Official Notice".

22. As per claim 15, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent disclose the claimed limitations as rejected above. However, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent do not specifically mention about gateway port. "Official Notice" is taken that both the concept and advantages of providing usage of gateway port is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include gateway port with the teachings of Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent in order to facilitate usage of gateway port because the gateway port would provide support for communicating two devices through the gateway. The gateway port would process information flowing through the port.

23. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream and Rottoo-General-DataComm in view of Li et al., 6,728,365, Nortel Networks (Hereinafter Li-Nortel).

24. As per claim 12, Savage-Lipstream and Rottoo-General-DataComm disclose the claimed limitations as rejected above. However, Savage-Lipstream and Rottoo-General-DataComm do not specifically mention about usage of the communications paths are predicted using RSVP PATH messages.

Li-Nortel discloses the well-known concept of using the communications paths are predicted using RSVP PATH messages (e.g., abstract, figures 3-8, col., 5, lines 1 – 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Savage-Lipstream and Rottoo-General-DataComm with the teachings of Li-Nortel in order to facilitate using the communications paths are predicted using RSVP PATH messages because the messages would enhance providing information about the communication paths. Based on the information the communication path would provide usage of communication paths as necessary.

25. Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent in view of Li-Nortel.

26. As per claim 21, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent disclose the claimed limitations as rejected above. However, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent do not specifically mention about usage of the communications paths are predicted using RSVP PATH messages.

Li-Nortel discloses the well-known concept of using the communications paths are predicted using RSVP PATH messages (e.g., abstract, figures 3-8, col., 5, lines 1 – 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent with the teachings of Li-Nortel in order to facilitate

using the communications paths are predicted using RSVP PATH messages because the messages would enhance providing information about the communication paths. Based on the information the communication path would provide usage of communication paths as necessary.

27. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent in view of "Official Notice".

28. As per claims 22-25, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent disclose the claimed limitations as rejected above.

Savage-Lipstream also discloses reserving bandwidth for high priority requests (e.g., paragraph 103); allocating available bandwidth from the reserved bandwidth according to a predetermined priority scheme (e.g., paragraph 104); the predetermined priority scheme is established according to a type of multipoint conference requested (e.g., paragraph 105); the predetermined priority scheme is established according to a plurality of unique identifiers corresponding to a plurality of the participants, respectively (e.g., paragraph 105); and the available bandwidth is allocated to high priority participants until all high priority participant requests are processed (e.g., paragraph 103-108).

However, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent do not specifically mention about pool of bandwidth. "Official Notice" is taken that both the concept and advantages of providing usage of pool of bandwidth is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include gateway port with the teachings of Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent in order to facilitate usage of pool of bandwidth because the pool would provide support for several bandwidth for communicating between two devices through the gateway. Based on the information the pool would provide usage of bandwidth as necessary.

29. Claims 32, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage-Lipstream, Rottoo-General-DataComm, Kujoory-Lucent and Shaffer-Siemens in view of "Official Notice".

30. As per claims 32, 39 Savage-Lipstream, Rottoo-General-DataComm, Kujoory-Lucent and Shaffer-Siemens disclose the claimed limitations as rejected above.

Savage-Lipstream also discloses reserving bandwidth for high priority requests (e.g., paragraph 103); allocating available bandwidth from the reserved bandwidth according to a predetermined priority scheme (e.g., paragraph 104); the predetermined priority scheme is established according to a type of multipoint conference requested (e.g., paragraph 105); the predetermined priority scheme is established according to a plurality of unique identifiers corresponding to a plurality of the participants, respectively (e.g., paragraph 105); and the available bandwidth is allocated to high priority participants until all high priority participant requests are processed (e.g., paragraph 103-108).

However, Savage-Lipstream, Rottoo-General-DataComm and Kujoory-Lucent do not specifically mention about pool of bandwidth. "Official Notice" is taken that both the

concept and advantages of providing usage of pool of bandwidth is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include gateway port with the teachings of Savage-Lipstream, Rottoo-General-DataComm, Kujoory-Lucent and Shaffer-Siemens in order to facilitate usage of pool of bandwidth because the pool would provide support for several bandwidth for communicating between two devices through the gateway. Based on the information the pool would provide usage of bandwidth as necessary.

Allowable Subject Matter

31. Claims 28, 31, 35, 38, 42, 45 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and to include all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

September 12, 2006

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100